

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JOSEPH L. JOHNSON, JR.)	
)	
Petitioner,)	
)	
v.)	Case No. 3:07-0695
)	Judge Echols
)	
TOMMY MILLS, WARDEN,)	
)	
Respondent.)	

ORDER

For the reasons explained in the Memorandum issued contemporaneously herewith, the Court hereby enters the following rulings:

(1) The Report and Recommendation of the Magistrate Judge (Docket Entry No. 19) is hereby ACCEPTED and APPROVED;

(2) Respondent's "Motion to Dismiss" (Docket Entry No. 5) is hereby GRANTED;

(3) Petitioner's "Objection and Motion for Review" (Docket Entry No. 23) is hereby OVERRULED;

(4) Petitioner's "Objections to Magistrate Judge[']s Order on Dispositive Motions" (Docket Entry No. 24) are hereby OVERRULED;

(5) Petitioner's "Motion to Stay Proceedings" (Docket Entry No. 21) is hereby DENIED; and


(6) This case is hereby DISMISSED WITHOUT PREJUDICE.

Further, because Petitioner cannot demonstrate that reasonable jurists would find the Court's assessment of (1) the exhaustion of state remedies requirements; (2) the jurisdiction of Magistrate Judges to entertain motions; or (3) the propriety of issuing a stay against a state court proceeding

debatable or wrong, a Certificate of Appealability will not issue. See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000).

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.


ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE